



Office of Professional
Standards
Civilian Police Review
Board



2016 Annual Report



CITY OF CLEVELAND

Mayor Frank G. Jackson

Michael M. McGrath, Director
Department of Public Safety

Damon Scott, Administrator
Office of Professional Standards

Thomas Jones, Chairman
Civilian Police Review Board
Cleveland Department of Public Safety

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Office of Professional Standards (OPS) • Civilian Police Review Board (CPRB)

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Director of Public Safety



The Cleveland Department of Public Safety, the Office of Professional Standards and the Civilian Police Review Board are committed to providing superior service and strengthening their partnership with the community through effective, transparent and timely investigation of citizen complaints made against employees of the Division of Police. With the technical assistance and oversight of the Department of Justice and the Federal Monitoring Team, we have made great strides in ensuring our policies and procedures convey this transparency.

The timely, thorough and objective investigation of complaints will increase understanding between the public and Division of Police employees and will reduce the incidence of misconduct. In turn, the bonds of trust become strengthened and our community is safer as a whole. Accountability is the cornerstone of this relationship.

The Civilian Police Review Board, working in conjunction with the Office of Professional Standards, has a unique role in recommending, and in some cases determining, the resolution of complaints. The Board, too, oversees the conduct of sworn and civilian employees through the evaluation and review of misconduct complaints with diligence, impartiality and timeliness. Together, the Office of Professional Standards and the Civilian Review Board seek continuous improvement of both the process of investigation and the resolution of complaints, thus ensuring increased accountability, substantive reform and advancement of law enforcement and community common goals.

On behalf of Mayor Frank G. Jackson and all the women and men of the Cleveland Department of Public Safety, I wish to express my appreciation to the Department of Justice and the Federal Monitoring Team in guiding us toward our goals and helping us achieve a relationship with the community that is resilient and trustworthy. I also sincerely thank the Office of Professional Standards and the Civilian Police Review Board for their commitment to excellence. The 2016 Annual report provides insight into the operations of the Civilian Police Review Board and the decisions they made on behalf of the citizens served by the Cleveland Division of Police.

Sincerely,

A handwritten signature in blue ink that reads "Michael M. McGrath".

Michael M. McGrath, Director
Department of Public Safety

Message from the OPS Administrator

The Office of Professional Standards is pleased to present its 2016 Annual Report. This Annual Report reflects the hard work and dedication of the Office of Professional Standards staff to provide appropriate civilian oversight of the Cleveland Division of Police. The Office of Professional Standards is responsible for receiving and investigating complaints involving sworn officers and non-sworn civilian employees of the Cleveland Division of Police. In doing so, our staff conducts impartial fact finding regarding the incident that will enable the Office of Professional Standards to make a recommendation to the Civilian Police Review Board regarding resolution of the complaint.

The Office of Professional Standards continues to work with the Department of Justice, the United States Attorney's Office, and the Federal Monitoring Team to achieve compliance with Settlement Agreement that the City has entered with the Department of Justice. In making necessary reforms regarding how complaints are investigated, the Office of Professional Standards continues its work to increase transparency, accountability, and the timeliness of investigations conducted throughout the civilian oversight process.

In issuing this 2016 Annual Report, I thank the staff of the Office of Professional Standards, the members of the Civilian Police Review Board, the Department of Public Safety, and the citizens and stakeholders of the City of Cleveland for their contributions to this report. As we move forward and continue to make improvements to the vital work of civilian oversight, we invite community input in helping to increase the trust between the Cleveland Division of Police and the citizens it serves.

Sincerely,

Damon Scott

Damon Scott, Administrator
Office of Professional Standards

Message from the Chairman of the CPRB

The Civilian Police Review Board is comprised of nine members who are representative of the diverse communities within the City of Cleveland and oversee the conduct of members, sworn and civilian, of the Cleveland Division of Police. It does this by reviewing and evaluating public misconduct complaints made against the police department. If warranted, the board will make recommendations for disciplinary action to the Chief of Police. The board is also committed to enhancing relationships between the community and police department through enhanced transparency, accountability and the achievement of common goals beneficial to both.

Thanks to the Department of Justice and the Federal Monitoring Team, the board continues to streamline its oversight process in accordance with certain expectations as delineated in the Settlement Agreement with the City of Cleveland that will result in a more effective and efficient body. The National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics put it quite succinctly: “Members of the CPRB have a unique role as public servants overseeing the conduct of law enforcement officers. The community, government, and law enforcement have entrusted members of the CPRB to conduct their work in a professional, fair and impartial manner. This trust is earned through a firm commitment to the public good, the mission of the CPRB, and to the ethical and professional standards.... The spirit of these ethical and professional standards should guide CPRB members and staff in adapting to individual circumstances, and in promoting public trust, integrity and transparency.”

The 2016 Annual Report, hopefully, will give the community additional clarity into the Civilian Police Review Board operations and decision making processes.

Sincerely,

Thomas F. Jones

Thomas F Jones, Chairperson
Civilian Police Review Board

OPS and CPRB Overview

PURPOSE

To ensure constitutional, lawful, accountable, effective, and respectful policing and to have a safe community, there must be trust between police and those they serve. For that reason, the City established the Office of Professional Standards (“OPS”) via Charter Amendment, Sections 115-1 and 115-4, effective November 4, 2008. OPS is an agency within the City of Cleveland Department of Public Safety and independent of the Cleveland Division of Police. It has the responsibility of receiving and investigating non-criminal complaints filed by members of the public against sworn and non-sworn Cleveland Division of Police employees. OPS is also empowered to make findings and recommend action to the Civilian Police Review Board (“CPRB”) regarding those complaints.

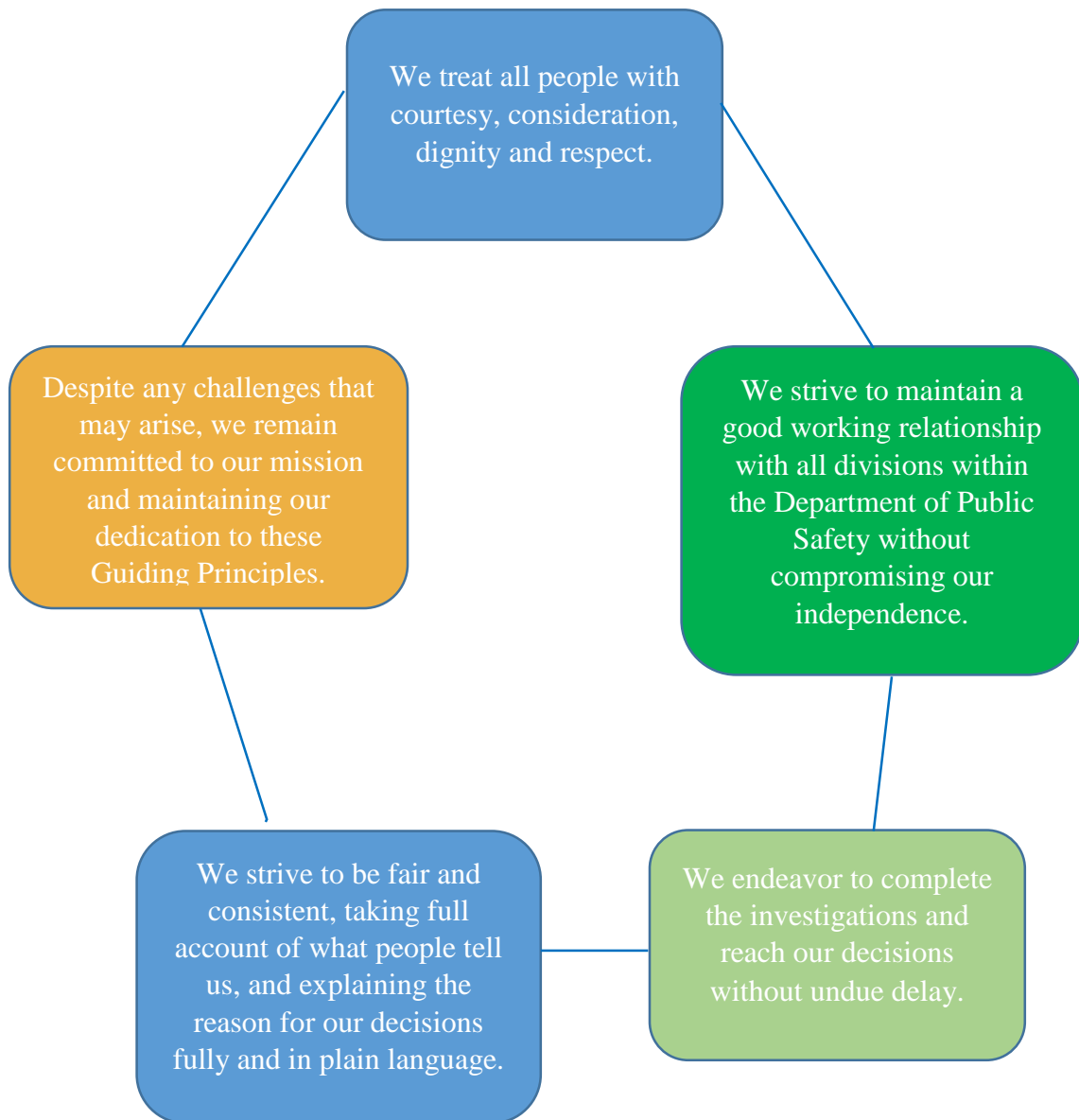
The CPRB reviews misconduct complaints investigated by OPS and makes recommendations for resolution to the Chief of Police. Prior to recommending discipline or determining that a complaint warrants no action, the CPRB may hold a public hearing. Upon making its decision, the CPRB submits its findings and recommendations to the Chief of Police and notifies the complainant of the disposition.

MISSION

The mission of OPS and CPRB is to increase accountability and improve public confidence in the police by receiving and fairly, thoroughly, objectively, and timely investigating and resolving misconduct complaints against Cleveland Division of Police employees. As part of its mission, OPS is also empowered to make policy recommendations that will improve the citizen complaint process, increase understanding between the public and CDP employees, reduce the incidence of misconduct and reduce the risk of the use of force by CDP officers. OPS and CPRB are committed to providing the community with an accessible and safe environment in which to file complaints and have their complaints heard.

OUR GUIDING PRINCIPLES

The responsibility entrusted by the people of the City of Cleveland to OPS and CPRB is a sacred public trust.

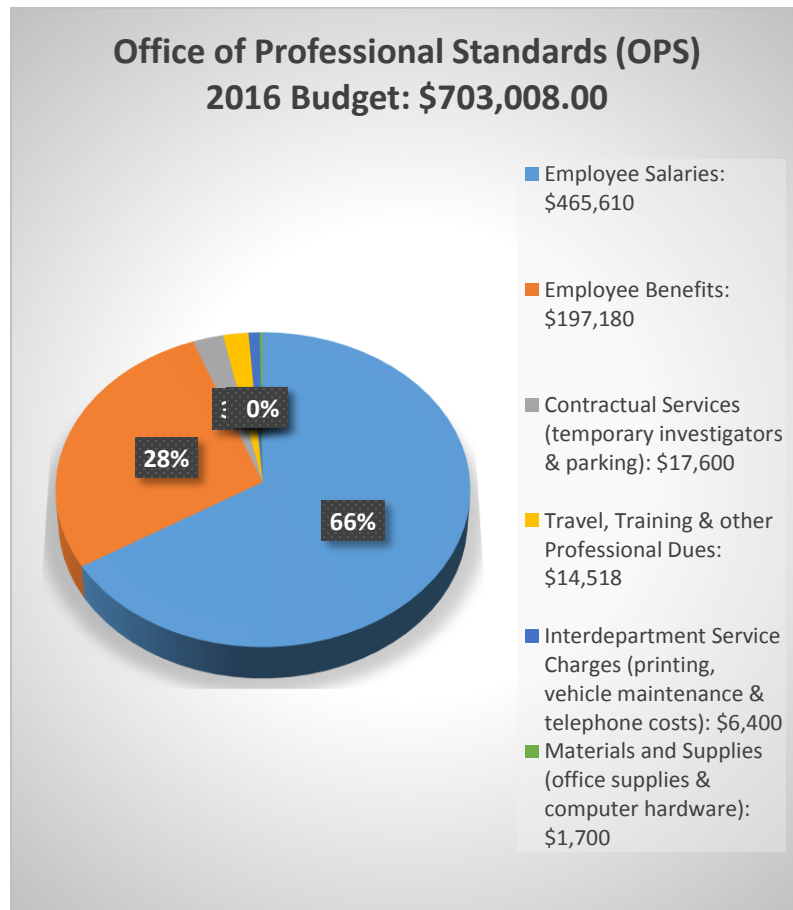


Office of Professional Standards

MISSION: The mission of the Office of Professional Standards is to investigate complaints against Cleveland Division of Police personnel in a complete, fair and impartial manner, and present completed investigations to the Civilian Police Review Board for a hearing and disposition.

OPS Budget and Staff

Prior to 2015, OPS and CPRB did not have budgets independent from the Department of Public Safety. In 2016, however, separate budgets for each entity were established. OPS's 2016 budget was \$703,008. Funds for OPS were allocated as follows:



OPS began 2016 staffed with an Administrator, 4 full-time investigators, and a personal secretary to the Administrator. Over the course of the year, two new positions were created and filled: a General Manager of Administrative Services and a Research Analyst. OPS also added two full-time investigators, and received approval to hire six temporary investigators to assist in

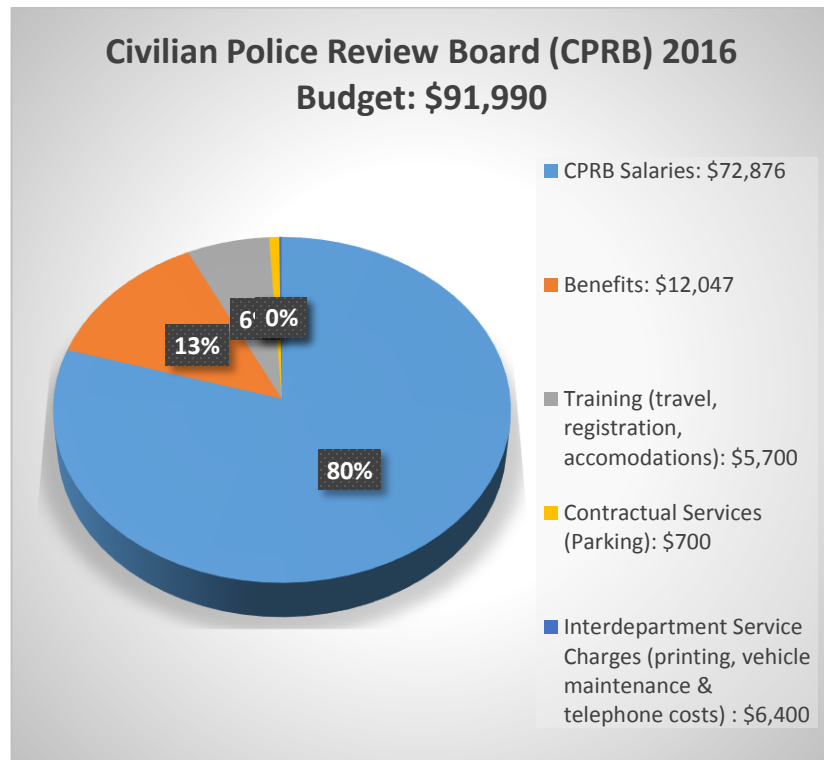
the reduction of backlogged investigations. Finally, the position of Personal Secretary to the Administrator was replaced with a new position, the Chief Clerk, with added responsibilities that more expansively assist with administrative matters.

Civilian Police Review Board

Reviews completed OPS investigations and makes recommended findings regarding conduct and discipline and provides an opportunity for citizens who believe they were treated unfairly to voice their concerns.

CPRB Budget and Membership

In 2016, CPRB's budget was \$91,900. Funds for CPRB were allocated as follows:



Prior to 2016, CPRB had six board member positions, with one member elected by CPRB as the chairman. All six positions were appointed by the Mayor. On November 8, 2016, via an Amendment to the City of Cleveland's Charter, the CPRB underwent sweeping changes to its membership. As of the Amendment, the CPRB now consists of nine members who are representative of the population of Cleveland. The Mayor appoints five members and the City Council ("Council") appoints the

remaining four members. In an effort to be representative of all of Cleveland's diverse communities, each of the police districts is represented by at least one member who resides in that district. Additionally, at least one member of the Board is between the ages of 18 and 30 at the time of appointment. As required by the Charter of Cleveland, no member of the Board is employed currently as a law enforcement officer and no member is a current or former employee of the Cleveland Division of Police.

The following are biographies of the 2016 Board Members: (as of December 31, 2016):

CPRB Chairman Thomas F. Jones is President and CEO of Marionette Consulting, Inc., a company engaged in corporate security, law enforcement and media consulting, that he formed after retiring in 1995 as the Special Agent in Charge of the Cleveland Office of the Federal Bureau of Investigation. In April 2005, he retired again after serving 7 ½ years as Chief of Police/Security for the Cleveland Clinic.

Chairman Jones is a native of Atlantic City, New Jersey. He graduated in 1968 from Southeastern University, Washington, D.C. with a degree in Accounting and served 4-1/2 years with the United States Marine Corps. He was appointed an FBI Special Agent in 1968 and served his first assignment in Cleveland. Prior to his return to Cleveland in 1992, Jones was the Inspector in Charge of the Office of Public Affairs at FBI Headquarters in Washington, D.C. and a member of the Executive Conference, the FBI's Board of Directors. Chairman Jones resides in the Third Police District. His term as a CPRB member commenced on November 8, 2010 and expires on August 8, 2018.

CPRB Vice-Chairman Edwin Santos is a native of San Juan, Puerto Rico. He began his government career in 1975 when he joined the United States Army and after receiving an honorable discharge, he continued his 33-year federal employment and retired in 2009 as an Enforcement Supervisor for the U.S. Equal Employment Opportunity Commission. Mr. Santos holds a B.A. in business administration and management from the Inter-American University of Puerto Rico and has lived in the City of Cleveland since 1980. Vice Chairman Santos resides in the First Police District his term commenced on December 8, 2008 and will expire on August 8, 2020.

Roslyn A. Quarto was born and raised in New York and moved to Cleveland in the fall of 2012 and became the Executive Director of Empowering and Strengthening Ohio's People (ESOP) in April of 2013. Ms. Quarto holds a BA from Pennsylvania State University and a JD from St. John's University. She brings a diverse perspective through her experience as a non-profit, government and corporate executive and lawyer. In addition to participating on the CPRB, Ms. Quarto also serves on the Ohio Attorney General's Elder Justice Commission, and on the Board of Directors for the Hebrew Free Loan Association and the Ohio CDC Organization. Ms. Quarto resides in the Second District. Her term commenced on February 1, 2016 and will end on February 1, 2020.

Michael L. Walker is the Executive Director of the Partnership for a Safer Cleveland and project director of US Attorney's STANCE Initiative. Mr. Walker lectures and trains both professionals and students throughout the country on issues related to the prevention and reduction of youth violence and gangs. His work in citizen participation for the City of Cleveland was a contributing factor in the City's selection as an All-American City recipient three times for resident engagement in public and private ventures. Mr. Walker has co-authored *Drug Use among Juvenile Arrestees: A Comparison of Self-Report, Urinalysis and Hair Assay* and chapters in the *Handbook for Screening Adolescents at Psycho-Social Risk and Gangs in America*. He holds degrees from the Ohio State University and Case Western Reserve University in Communications and Law. Mr. Walker resides in the Third Police District. His term commenced on November 8, 2010 and expires on August 8, 2018.

Mary Clark has spent more than thirty years working in banking and finance. She graduated from high school in Lexington, Mississippi and has since worked in Cleveland at Huntington Bank, the UPS Store, and KeyCorp. Ms. Clark resides in the Fourth Police District. Her term commenced on June 21, 2011 and will expire on August 8, 2017.

Clarence Moore retired in May 2011 as a Captain with the Cleveland Division of Emergency Medical Service (EMS). He holds numerous paramedic and Emergency Medical Technician (EMT) training and management certifications and is a local and national conference speaker on those topics. Mr. Moore also received various awards and recognitions from the American Red Cross, Brentwood Hospital, the Cleveland EMS, the Ohio Ambulance Association, and the Minnesota Department of Health. Mr. Moore currently works as an EMT Instructor at the Hudson Fire Department in Hudson, Ohio. Mr. Moore resides in the Fifth Police District. His term commenced on June 21, 2011 and will expire on August 8, 2017.

The terms of the three newest Board Members commenced on February 8, 2017. Their biographies are listed below:

Michael P. Hess, Jr., was appointed to fill the board seat set aside for an 18 to 30-year old. A recent graduate of Case Western Reserve School of Law, Mr. Hess is currently studying for the bar exam. Mr. Hess has worked on political campaigns, and has been a legal intern and a legal assistant at several firms including the Cuyahoga County Department of Law. Mr. Hess was appointed by the Council to fill an unfilled position that opened on August 8, 2016. He resides in the Second Police District. His term will run until August 8, 2020.

Michael P. Graham is owner and partner of Cleveland-based Strategy Design Partners, LLC, which is a strategy and communications consulting firm that works with non-profits, public agencies, and businesses. Mr. Graham is also a former assistant Cuyahoga County prosecutor. He still practices law. Mr. Graham was appointed by Cleveland City Council. Mr. Graham resides in the Second Police District. His term will end on February 7, 2021.

Stephanie B. Scalise has her own law practice specializing in criminal defense and appeals, juvenile law, and family law. Prior to that she was an assistant Cuyahoga County prosecutor and served as the legal counsel to the Cuyahoga County Division of Children and Family Services. She also previously served as a city prosecutor for the City of Cleveland Department of Law. Ms. Scalise was appointed by Cleveland City Council. Ms. Scalise resides in the Fifth District. Her term will end on February 7, 2021.

Settlement Agreement/Consent Decree

Following a two-year investigation that concluded in 2014, the U.S. Department of Justice (“DOJ”) notified the City in a December 4, 2014 letter (“findings letter”) that there was “reasonable cause to believe that there was a pattern and practice of excessive force in Cleveland that violated the U.S. Constitution and federal law.”¹ As it pertained to OPS, the DOJ determined that “civilian complaints of officer misconduct were not being adequately investigated.”² The DOJ findings letter stated that deficiencies in the OPS complaint process included “impossibly high caseloads for investigators, the inappropriate and premature rejection of civilians’ complaints, substandard investigations, significant delays in completing investigations, and the failure to document and track outcomes.”³

In response to the DOJ’s findings, the City of Cleveland and DOJ entered into a court-enforceable Settlement Agreement that requires the City to make a number of fundamental changes to its police and civilian oversight policies, practices, procedures, training, use of data, and more. On June 12, 2015, the Settlement Agreement, also known as the “Consent Decree,” was approved and signed by the Chief Judge of the U.S. Northern District, Judge Solomon Oliver, Jr.⁴ On October 1, 2015, the Cleveland Monitoring Team was appointed to oversee the City’s implementation of the Settlement Agreement.

OPS and the CPRB, with the assistance of the Cleveland Monitoring Team and DOJ, have been working to correct the deficiencies noted in the findings letter and comply with the terms of the Settlement Agreement. Although progress has been slow, there have been some improvements, such as 1) memorializing the policies and practices in the OPS and CPRB manuals, which were created during the course of 2016 and approved by the federal court in March 2017, 2) the expansion of the Board to include nine members, 3) the creation and hiring of additional staff for OPS, and 4) the reinstitution of this Annual Report, OPS and CPRB’s first public report in over five years. Additional challenges and improvements in 2016 are summarized on pages 24 and 25 of this report.

¹ Department of Justice Findings Letter, “Investigation of the Cleveland Division of Police”, pg. 2, <https://www.justice.gov/file/180576/download>

² Findings Letter, pg. 38

³ Findings Letter, Pg. 39

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<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/PublicSafety/Police/PoliceSettlementAgreement>.

For a fuller description of the City’s progress (and challenges) in implementing the terms of the Settlement Agreement as it pertains to OPS and CPRB, please view the Monitor’s First, Second, and Third Semiannual reports, which can be found at: <http://www.clevelandpolicemonitor.net/resources-reports>.

OPS Jurisdiction and Complaint Process

OPS has jurisdiction over the following types of complaints of misconduct that are made against personnel of the Cleveland Division of Police:

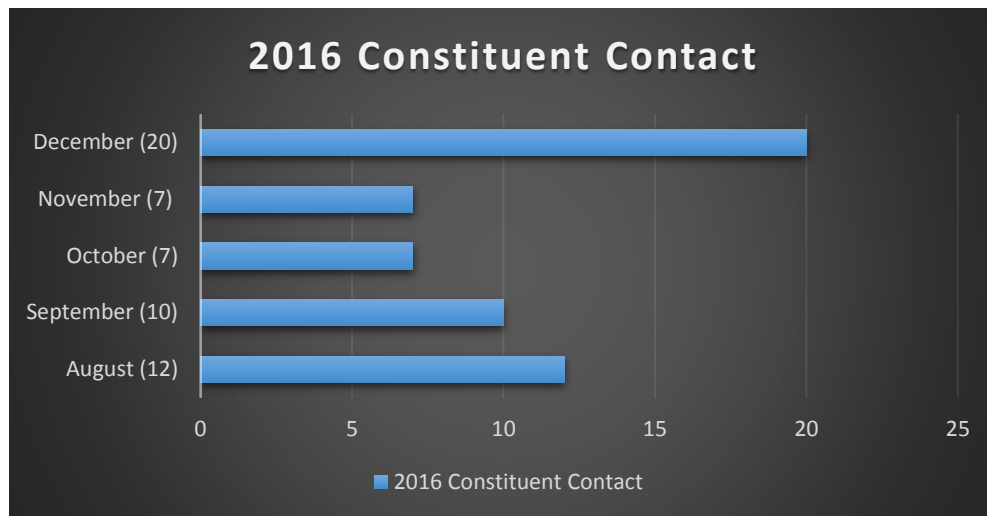
- Harassment complaints, to include those alleging bias, discrimination, and profiling;
- Excessive Force complaints;
- Unprofessional Behavior/Conduct complaints;
- Improper Procedure complaints, including improper arrest, improper citations, and improper search;
- Improper Stop;
- Improper Tow;
- Service complaints, including insufficient CDP employee service, and no CDP service;
- Property complaints, including missing property and damage to property; and,
- Misconduct related to the receipt of a Uniform Traffic Ticket or Parking Infraction Notice if the Parking Infraction Notice was issued by personnel in the Division of Police.

Cases that fall outside of these parameters, and do not allege criminal conduct, are administratively dismissed and referred to the proper agency with the authority to address that matter, whenever possible. Citizen complaints alleging criminal conduct (i.e. theft, assault, falsification) are referred by the Administrator of the Office of Professional Standards to the Cleveland Division of Police Internal Affairs Unit. The Internal Affairs Unit has the primary responsibility for investigation of alleged criminal acts.

The complete processes which complaints are received, investigations are conducted, the process in which the CPRB presides over cases, and the results of the CPRB's findings are further outlined in the OPS and CPRB manuals, respectively, located on the City of Cleveland's OPS website.

OPS Contacts and Complaints Filed

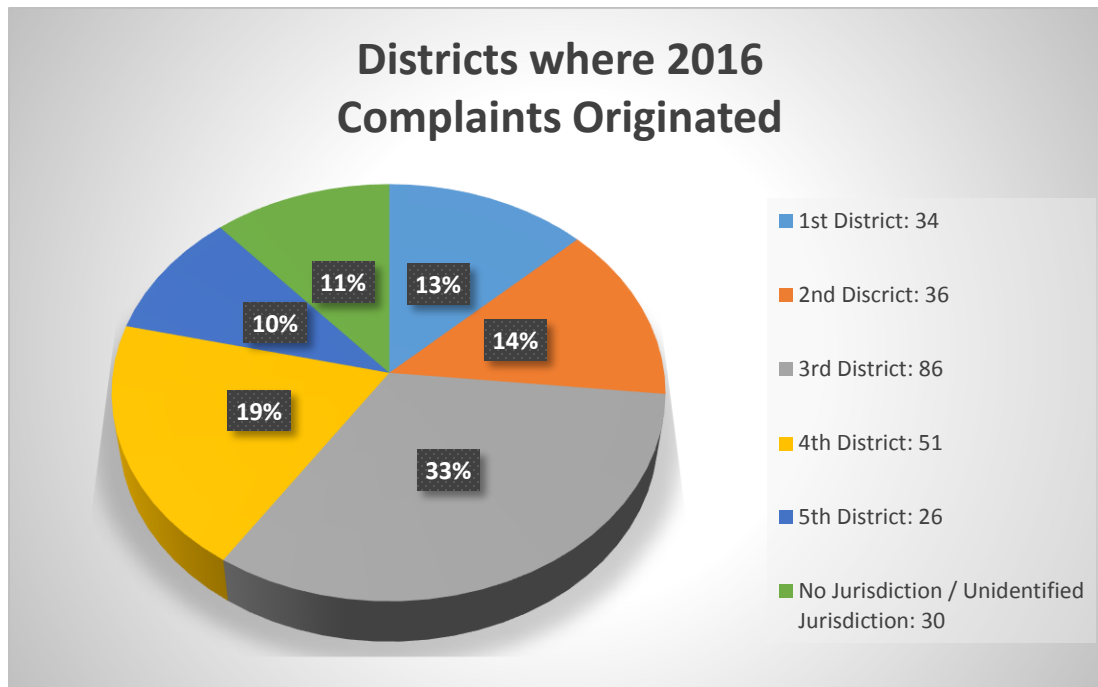
In mid-2016, OPS created and implemented a policy requiring the agency to document and track all contacts from the public regardless of whether a formal complaint investigation results. The following chart details the 56 contacts OPS received from August to December 2016. Because OPS first began logging constituent contacts in August 2016, the agency does not have a full year of data to provide in this report. Annual reports in subsequent years will provide complete yearly data and a breakdown of contacts received and complaints generated from those contacts.



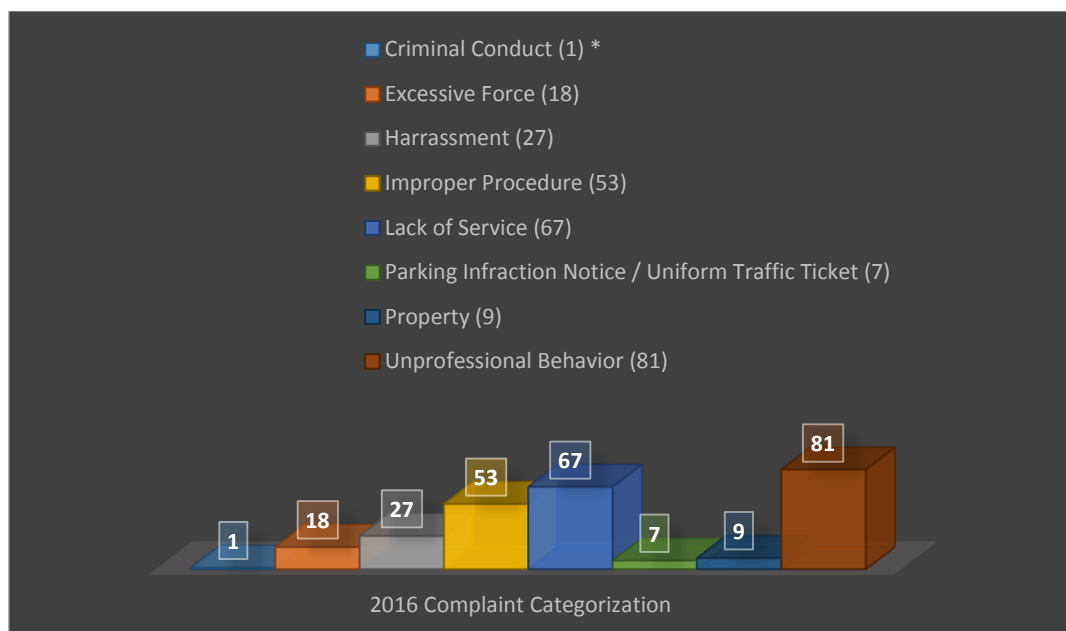
When the facts as alleged, taken with all reasonable inferences, would, if established as true, constitute misconduct, constituent contacts may be properly classified as a “Complaint.”

Anyone may file a complaint with OPS, including subjects of police incidents, recipients of police services, a witness to a police incident, a bystander of police service, a third party, a legal representative, an anonymous subject, the OPS Administrator, or a member of the CPRB.

OPS received 263 complaints in 2016. A breakdown of those complaints by CDP district is depicted in the chart below.



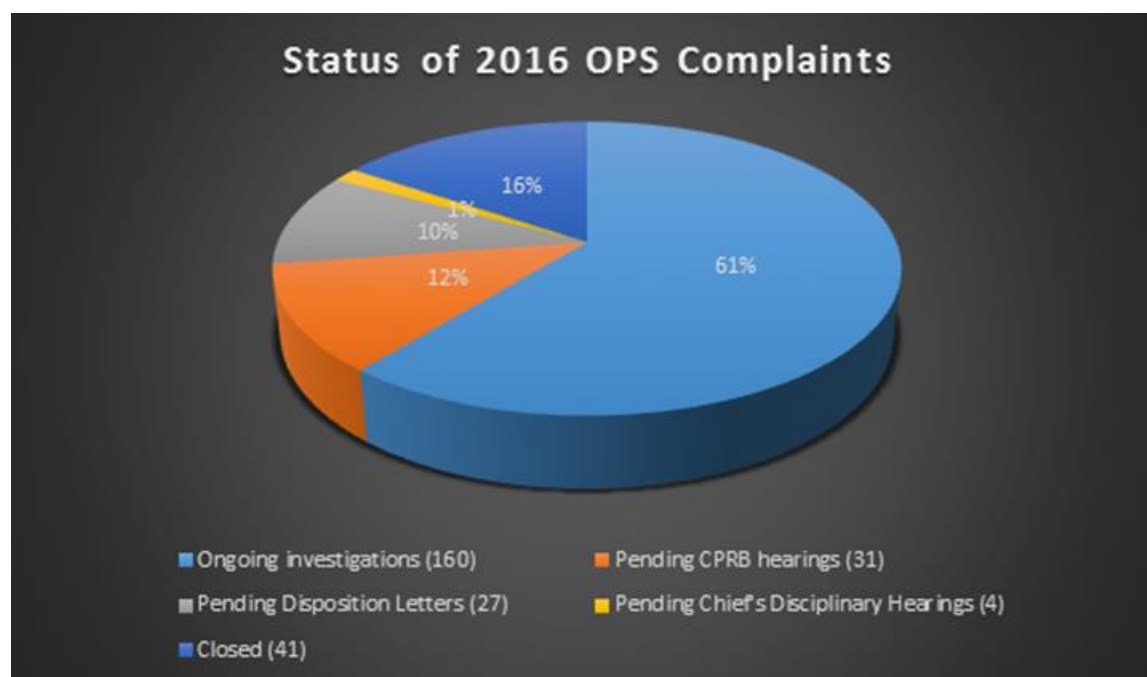
Complaints may include multiple allegations, and each will be investigated. The following bar graph shows the breakdown of the primary allegations that were made in the 263 complaints.⁵



⁵ Primary allegations are identified from the narrative that the complainant provides in his or her complaint form.

One of the matters received as a complaint in 2016 turned out not to be a complaint. In the single criminal conduct complaint shown above, OPS did not identify any misconduct that was under its jurisdiction to investigate above and beyond the criminal conduct. It was, therefore, referred directly to the Internal Affairs Unit (IA), the department within the CDP that is tasked with investigating incidents and allegations of criminal conduct of officers.

The next pie chart shows the current OPS activity on those 263 complaints. Forty-one of the 263 complaints have been completely closed by the agency through CPRB substantive dispositions and/or through Administrative Dismissals. Twenty-seven of the 263 complaints are pending CPRB disposition letters. Thirty-one complaints have been fully investigated and are awaiting CPRB hearings. Four complaints are pending Chief's disciplinary hearings. Thirty-one complaints are pending CPRB hearings. The remaining 160 complaints are part of the backlog of ongoing investigations that OPS is continuing to address.



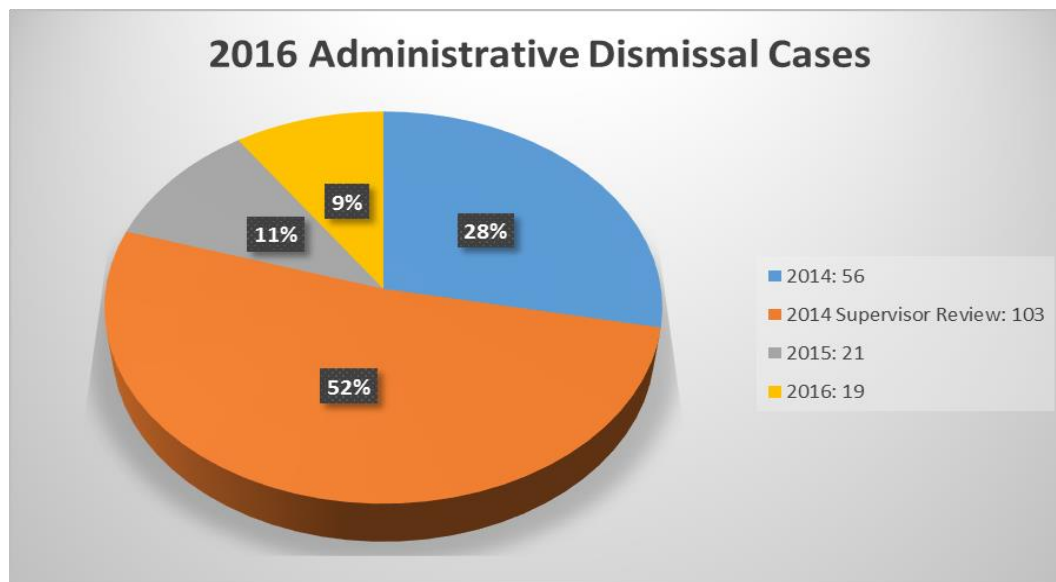
OPS Internal Affairs Referrals

If at any time during an OPS investigation, facts suggest that criminal conduct did occur, a copy of the file will be forwarded to IA so that the unit can conduct a thorough investigation. Regardless of the IA investigatory results, the case is returned to OPS to conclude its separate investigation pertaining to the alleged non-criminal conduct or administrative violations. Both investigations, contingent upon the underlying facts and the results of the investigations, may result in multiple disciplinary action.

Five of the OPS complaints originating in 2016 have been referred to IA. Of those five, three are still being investigated and two have concluded. None of the completed investigations resulted in criminal charges being filed against the officers, yet one did generate letters of re-instruction on proper usage of the wearable camera systems (WCS) for two officers.

OPS Administrative Dismissals

The following is a breakdown of complaints that were administratively dismissed in 2016 and the year that they were originally filed with the agency:



Of the 199 cases administratively dismissed in 2016, 103 of those cases (all received in 2014) were approved by the CPRB to be administratively referred to the Chief of Police, who in turn would forward to the commanding officers of the 5 Districts and the units for review. These 103 complaints were comprised of allegations that would not result in the officer(s) involved being subject to discipline, but that nonetheless should be brought to the attention of a CDP supervisor.

These complaints alleged Harassment, Unprofessional Behavior, Improper Procedure, Lack of Service, and No Service. Investigators recommended such cases to the Administrator, who provided a synopsis of all of these cases and then forwarded them to CDP to review, forward to the respective supervisors of the officers to address as appropriate. Complainants were sent disposition letters notifying them their cases had been administratively dismissed by the CPRB and forwarded to the Chief of Police for Supervisory Review. As OPS continues to receive feedback from the Chief about actions taken on these matters, we will update the complainants. OPS will also provide more information about CDP action taken on these complaints in next year's report.

In November 2016, to comply with the terms of the Settlement Agreement and to ensure that valid complaints are not improperly closed, OPS created specific criteria for administratively dismissing complaints. Under this criteria, complaints may be administratively dismissed only for the following reasons:

1. The individual complained of is not a CDP employee;
2. The employee referenced in the complaint cannot be identified despite the best efforts of the agency;
3. The preliminary investigation reveals that the delay in police services was due to workload or otherwise unavoidable;
4. The conduct alleged involves an off-duty conduct of a civil nature (unless the alleged conduct, or its effects, constitute misconduct or have a substantial nexus to the officer's City employment);
5. The complaint is about receiving a uniform traffic ticket and/or parking infraction notice without any additional claims of racial profiling, illegal search, excessive force, or other allegations within OPS's jurisdiction.

Although in prior years, administrative dismissals were heard and acted upon by the CPRB, in 2017, a court-approved change in OPS-CPRB policy transferred this responsibility to the OPS Administrator. To ensure accountability and oversight, complainants who disagree with the administrative dismissal of their complaint can appeal the dismissal to the CPRB.

OPS Investigations and CPRB Dispositions

Complaints that are not referred to Internal Affairs for investigation or administratively dismissed are investigated by OPS. Investigators gather evidence by taking statements and/or conducting recorded interviews from complainants, CDP employees, and all witnesses who may have factual information pertaining to the complaint. Statements may also be taken from persons who have specialized knowledge regarding the complaint or the circumstances related to the complaint. Additionally, Investigators are expected to gather evidence such as reports, activity sheets, 911 calls, dispatch reports, crime scene materials, as well as video or audio recordings that may be related to the complaint. After the Investigator gathers all relevant evidence, the evidence is evaluated and an Investigative Summary Report is drafted. The Investigative Summary Report contains the agency's recommended findings and conclusions about the investigation.

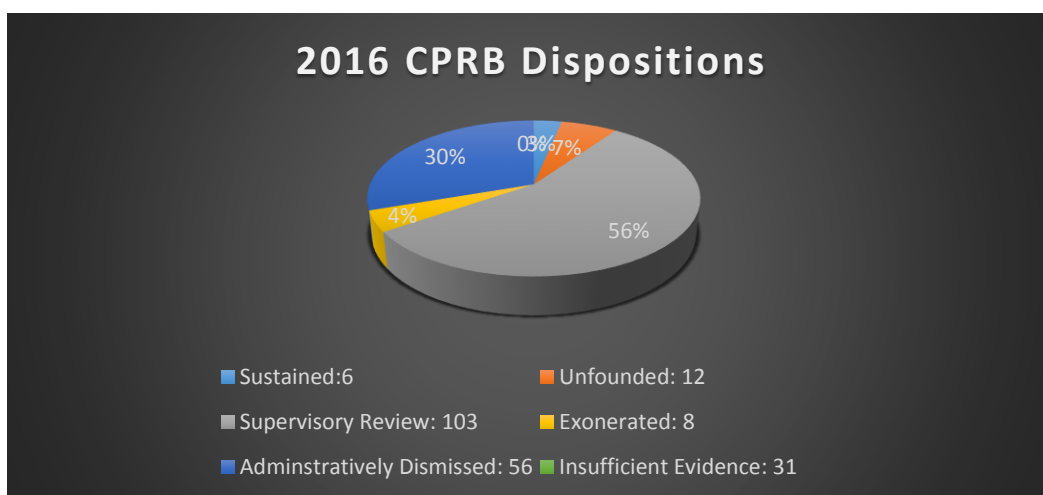
CPRB DECISIONS:

Once the OPS Investigative Summary Report has been completed, the OPS Administrator submits the file to CPRB for review prior to the CPRB hearing. The CPRB conducts monthly board meetings which are open to the public to discuss complaints and completed investigations of alleged misconduct of CDP personnel. The complainant and the CDP member are both notified of the date and time of the meeting.

On meeting day, a quorum of the CPRB members (at least two-thirds) must be present to reach a disposition and provide recommendation on discipline for each allegation identified. The OPS Investigator that conducts an investigation presents the case to the Board by outlining the nature of the complaint, the nature of the allegations involved and the material evidence and facts established by the investigation. That Investigator also shares the OPS-recommended disposition with the board at that time. Board members will often ask questions of the Investigator, and give complainants and CDP employees the opportunity to be heard at that time.

In reaching a decision, the CPRB is required to review its cases under the "Preponderance of the Evidence" standard of proof. "Preponderance of the evidence" means the greater weight of evidence; for example, based on all of the evidence it is more likely than not that conduct inconsistent with CDP policy, procedure or training has occurred or has not occurred. For purposes of applying the "preponderance of the evidence" standard of proof, officer performance must be evaluated against the policy, procedure, or training that was in effect on the day that, or during the relevant time period during which, the incident occurred.

In 2016, the CPRB adjudicated 59 complaints based on OPS investigations. Of those 59 complaints, six were sustained by the Board and 12 were determined to be unfounded. In seven complaints, the Board exonerated the officer involved. In 31 complaints, the CPRB found insufficient evidence to determine whether misconduct occurred. The disposition of the 57 complaints adjudicated by CPRB, in addition to the 56 complaints that were administratively dismissed by the Board and the 103 complaints that were referred for Supervisory Review, are illustrated in the graphic below.



CHIEF OR DIRECTOR’S PRE-DISCIPLINARY HEARINGS:

If any aspect of the investigation has been sustained by the CPRB, OPS is expected to forward a final summary to the Chief of Police (“Chief”) and the Director of Public Safety (“Director”) within 14 days after the hearing. The final summary is to include the CPRB’s disposition and, where applicable, recommended discipline and a brief outline of the evidence that the CPRB felt supported their recommended disposition.

The Chief or Director subsequently holds a hearing in which the CDP member is given the opportunity to offer testimony and provide contrary or mitigating evidence. Within ten days of the hearing, the Chief or Director is required to notify the CPRB of its outcome and any discipline to be imposed. If discipline is to be imposed that differed from the CPRB recommendation, that is also noted. OPS is working with the Chief’s Office to ensure that the Chief provides an explanation for any departures from CPRB recommendations.

Of the 6 complaints sustained by the CPRB in 2016, three have had disciplinary hearings in July 2017 and are awaiting a final determination from the Chief. Two hearings are scheduled for August 2017 and the final sustained complaint is awaiting a hearing date. OPS and the CPRB are committed to reducing this backlog of hearings by communicating CPRB sustained findings to the Chief in a more expedient manner to ensure that hearings are promptly held. A key component to this process requires OPS to timely transmit cases involving sustained findings by the CPRB.

OPS 2016 Year in Review

2016 was a busy year for OPS as it took various measures to improve its accountability systems. The following is a summary of those measures:

Republican National Convention:

The City of Cleveland hosted the Republican National Convention (RNC) during the week of July 18 – 21, 2016. The increased security because of the events surrounding the RNC made navigating throughout downtown Cleveland a challenge. To be more accessible for potential complainants, OPS worked 12-hour days at a satellite location at City Hall. Traveling to the City Hall location instead of the OPS office was more manageable and convenient for people attending downtown events.

NACOLE Conference:

In September 2016, four OPS staff members attended the National Association of Civilian Oversight of Law Enforcement (NACOLE) Annual Conference held in Albuquerque, New Mexico. NACOLE is a national non-profit organization that works to improve civilian oversight of law enforcement in the United States.

IA Pro/Blue Team Conference:

In October 2016, two OPS staff members attended the 12th Annual IA Pro/Blueteam Users Conference training held in Las Vegas Nevada. IA Pro is a software program which OPS began utilizing in 2016 for the uploading of intake information, collection of data and management of cases throughout the intake, investigation and adjudication process. OPS members received training on forthcoming updates of the software and obtained a better grasp on how to more effectively utilize the software.

OPS Staff Training:

In 2016, OPS investigators accrued over 100 hours through continuing professional training and education, such as, but not limited to, Use of Force, Statement Analysis for the Informed Interviewer, Arrest and Search and Seizure, Modern Report Writing, Legal Updates and IA Pro Data Management Software.

OPS Challenges

Despite measures taken in 2016 to improve its processes, OPS and CPRB still face many, many challenges. Both entities currently have a backlog of complaints awaiting investigation or disposition. OPS has a backlog of complaints awaiting complete investigation as well as a backlog of letters to be sent to complainants notifying them of the results of the Board's disposition of their complaint. To address the backlog of complaints awaiting complete investigation, OPS has developed a resource utilization plan.

Resource Utilization Plan:

The resource utilization plan capitalizes on the increased number of OPS investigators (which currently stands at six full-time investigators and six temporary investigators) by separating the investigators into two teams: the Backlog Reduction Team and the Ongoing/Expedited Team.

The Backlog Reduction Team is comprised of the six temporary investigators and a Senior Investigator as lead. This team is concentrating their efforts on complaints filed in 2015 and 2016. After going through a two-week intensive training curriculum, facilitated by experienced OPS Investigators, these temporary investigators began working on cases involving allegations of Discourtesy, Unprofessionalism, Improper Procedure, Lack of Service, and No Service. The more complex cases within the backlog are being handled by the Lead Investigator on that team.

The Ongoing/Expedited Team consists of the remaining investigators in the office and also a Lead Investigator. The Expedited Team concentrates on complaints that were filed in 2017. Backlogged cases that are currently assigned to members of this team are continually being re-assigned to the Backlog Reduction team so as to ensure that new complaints being filed are being investigated in a timely fashion.

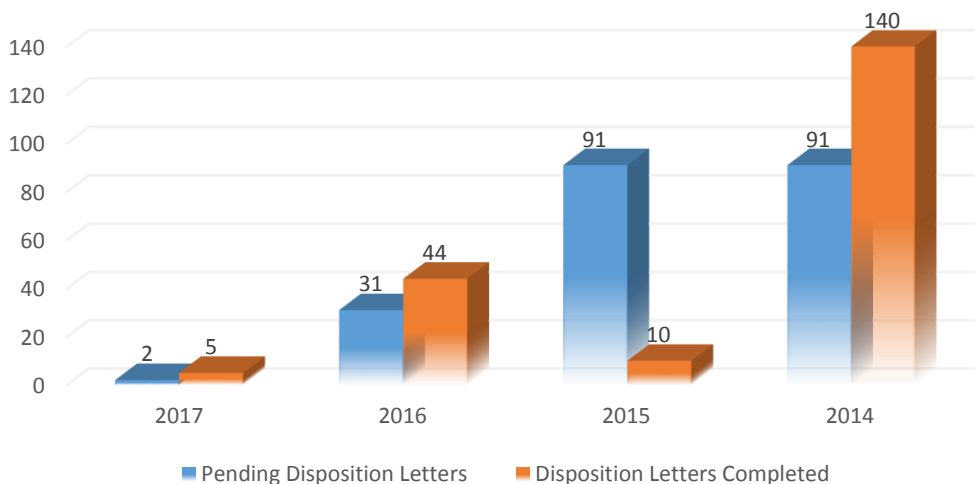
Disposition Letter Backlog:

In addition to the backlog of complaints awaiting complete investigation, the disposition letter backlog is also an area of great concern. OPS has taken the following steps to address the backlog of disposition letters. First, OPS, with the assistance of the Public Safety Information Technology ("ITS") department, has created a template for the disposition letters that should make it easier for the agency to draft and send the letters. In addition, as of June 2017, OPS is working with CPRB to generate disposition letters within two weeks of the complainant's case being heard by the Board.

Based on technical assistance received from the DOJ and the Monitoring Team, the OPS and CPRB recognized that prior disposition letters did not sufficiently state the basis for the Board's decisions. Additionally, in some cases, due to problems with the Board's record-keeping processes, the basis for the CPRB's decision was not recorded. OPS and CPRB are now working to ensure that future disposition letters clearly and sufficiently explain the Board's rationale. For those complaints where the basis for the CPRB's decision was not recorded, OPS and CPRB are notifying complainants by letter, apologizing for the error, inviting them to discuss their case with OPS staff and informing them of OPS and CPRB's goal to have future disposition letters capture this information.

Currently, OPS has a backlog of 215 disposition letters. The bar graph below shows, in blue, the year the complaint that is the subject of the disposition letter was originally filed. The 199 disposition letters that have been completed thus far in 2017 is represented by the orange bar. It is OPS's and CPRB's expectation that this backlog will decrease as the two entities fully implement the procedures noted above.

OPS DISPOSITION LETTER STATUS MID- YEAR 2017



GOALS FOR 2017

In addition to addressing the OPS and CPRB backlog, the Board and the agency have several other goals for 2017. These goals include the following:

Hiring of a Full-Time CPRB Secretary:

The CPRB had a part-time senior clerk position in its 2016 budget. The position remained vacant because a qualified candidate could not be identified that would accept the position on a part-time basis. As of June 2017, this position has been converted to a full time, private secretary. This role will be integral in assisting the CPRB perform its tasks such as recording minutes, preparing agendas, communicating with complainants and performing tasks assigned by the CPRB and the OPS Administrator. As of the writing of this report, candidates are presently being identified for this position.

Increased Training for CPRB Members:

On May 13, 2017, members from OPS, the City of Cleveland Law Department and the Monitoring Team conducted a retreat for CPRB members, covering topics such as an overview of the OPS intake and investigation process, the history and role of the CPRB, and evidentiary standards. Consistent with the Consent Decree and the CPRB Manual, CPRB expects to receive further trainings in 2017 on topics including, but not limited to, constitutional and other relevant law on police-citizen encounters, including law on the use of force and stops, searches, and arrests; police tactics; investigations of police conduct; bias-free policing; and policing individuals in crisis.

Implementation of OPS/CPRB Process Maps and Business Rules:

OPS is drafting maps that outline how an OPS complaint proceeds through the intake, investigative, and disposition processes. These process maps were developed, in part to streamline the OPS process and to ensure that all staff members were trained in a consistent and efficient manner consistent with the Consent Decree, the OPS Manual, the CPRB Manual and consistent with internal policies and procedures.

OPS is working to utilize these process maps to solidify the business rules within the OPS. These business rules will cement the policies and processes in which the complaints are investigated, the data is entered and maintained and communication is maintained with OPS complainants.

Migration to a New Case Management Database:

OPS is in the process of migrating from an Access database into IA Pro. Beginning in September 2016, the Research Analyst began entering cases in IA Pro. Presently, all investigators have been trained on IA Pro and are entering data on investigations that they are completing and on closed investigations that are pending disposition letters. OPS hopes to have IAPro fully functional by the end of 2017.

Increased Community Engagement:

The CPRB plans to increase its visibility in the community in several different capacities. The CPRB anticipates holding at least two Board meetings during evening hours on the east and west sides of Cleveland. Additionally, the CPRB is in negotiations to have monthly Board meetings broadcast on the City of Cleveland's news channel, TV20. Finally, OPS and CPRB is developing an information pamphlet. The pamphlet will inform public members about their options in filing complaints of misconduct against CDP staff as well as the processes involved in having that complaint being investigated and being heard by the CPRB.

OPS and CPRB will provide updates on the status of these goals in its 2017 Annual Report.